IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3028 OF 2005

IN

CRIMINAL APPEAL NO. OF 2005

Shri Shankar Nathuram Lad ...Applicant

Versus

Shri Dattaram Sakharam Lad & Ors. ...Respondents

.....

Mr.Vinod Kumar Katkar for Applicant.

Mr.Y.S.Shinde, A.P.P. for Respondent No.9.

.....

CORAM: A.M.KHANWILKAR, J.

NOVEMBER 30, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The Court below has taken the view that P.W.1 and P.W.3 were interested witnesses. There can be no quarrel with this opinion. The Trial Court has then analysed the evidence of the said

witnesses and found that there is discrepancy which creates doubt about the involvement of the respective accused. The only independent witness, if at all, who was examined by the prosecution, is P.W.2. However, P.W. 2 has not attributed any specific role to the respective accused. In other words, the evidence regarding assault by respective accused has not been corroborated by independent evidence. The Court below has also noted that at the relevant time, independent persons were present on the scene, however, prosecution has not examined any of those persons.

3. Taking overall view of the matter, I see no reason to depart from the conclusion reached by the Court below in recording acquittal in favour of the accused, as that is a possible view. Hence, dismissed.

A.M.KHANWILKAR, J.